

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 GLORIA A. BARRIOS
Supervising Deputy Attorney General
4 State Bar No. 94811
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2540
6 Facsimile: (213) 897-2804
Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No.

2013- 493

13 **LAURA DENISE BLACK**
135 N. Acacia Ave., #B
Fullerton, CA 92831

ACCUSATION

14 **Registered Nurse License No. 368725**

15 Respondent.

16
17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing (Board),
22 Department of Consumer Affairs.

23 2. On or about March 31, 1984, the Board issued Registered Nurse License Number
24 368725 to Laura Denise Black (Respondent). The Registered Nurse License was in full force and
25 effect at all times relevant to the charges brought herein and will expire on April 30, 2014, unless
26 renewed.

27 ///

28 ///

1

2

5

6

10

13

14

16

17

18

21

26

1 himself or herself, or any other person, or the public or to the extent that such use impairs his or
2 hers ability to conduct with safety to the public the practice authorized by his or her license.

3

4 (e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
5 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this
6 section."

7 **COST RECOVERY PROVISION**

8 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
9 administrative law judge to direct a licensee found to have committed a violation or violations of
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
11 enforcement of the case. Nothing in this section shall preclude a board from including the
12 recovery of the costs of the investigation and enforcement of a case in any stipulated settlement.

13 **DRUG DEFINITION**

14 9. **Hydromorphone Hydrochloride (Dilaudid)** – a Schedule II controlled substance
15 pursuant to Health and Safety Code section 11055 (b)(1)(j), and a dangerous drug pursuant to
16 Business and Professions Code section 4022. It is a narcotic analgesic used for the relief of
17 severe pain.

18 10. **Hydrocodone/Acetaminophen (Norco)** – a Schedule III controlled substance
19 pursuant to Health and Safety Code section 11056 (e), and a dangerous drug pursuant to Business
20 and Professions Code section 4022. It is a semisynthetic narcotic analgesic.

21 **KAISER PERMANENTE LOS ANGELES MEDICAL CENTER**

22 11. Respondent, a nursing program clinical instructor at Los Angeles Southwest College
23 (LASC) was employed as a supervising registered nurse assigned to supervise several LASC
24 nursing students at Kaiser Permanente Los Angeles Medical Center (Center) on May 4, 2010.
25 At all times relevant to the charges herein, the Center used a drug dispensing system called the
26 "Pyxis." Pyxis is a computerized automated medication dispensing machine. The user enters a
27 password to gain access and dispense medication from the machine. The machine records the
28

user name, patient name, medication, dose, date and time of the withdrawal. Pyxis is integrated with hospital pharmacy inventory management systems.

12. The Center's investigation revealed several discrepancies in Respondent's narcotic transactions. The investigation revealed that Respondent withdrew narcotics without a physician's orders, failed to properly chart narcotics or follow physician orders, withdrew larger doses of narcotics than ordered by a physician, and withdrew narcotics that were not administered to the patients nor wasted per the Center's protocol. The Center's investigation revealed the following discrepancies:

PATIENT (#xxxx1509)¹

Date & Time	Drug and Quantity Withdrawn from Pyxis	Charting
5-4-10 (5:25 PM)	Dilaudid 2 mg inj.	No order; 2 mg Dilaudid not charted; wasted, or returned; not patient of Respondent's

PATIENT (#xxxx6745)

Date & Time	Drug and Quantity Withdrawn from Pyxis	Charting
5-4-10 (6:18 PM) 5-4-10 (10:37 PM)	Dilaudid 2 mg inj. Dilaudid 2 mg inj.	Order for .4mg Dilaudid inj. Every 2 hrs. as needed for pain; 4 mg Dilaudid not charted; wasted, or returned

PATIENT (#xxxx5282)

Date & Time	Drug and Quantity Withdrawn from Pyxis	Charting
5-4-10 (4:33 PM)	1 Norco tablet	Order for 1 Norco tablet ordered; every 6 hrs. as needed for pain; 1 Norco tablet not charted; wasted, or returned

¹ Patient will be referred to by patient number only for the patient's privacy. The patient's identity will be provided in discovery.

PATIENT (#xxxx2411)

Date & Time Administered	Drug and Quantity Withdrawn from Pyxis	Charting
5-4-10 (9:53 PM) 5-4-10 (10:10 PM)	Dilaudid 2 mg inj. Dilaudid 2 mg inj.	Order Dilaudid .6 mg ever 2 hrs. as needed for pain; 4 mg Dilaudid not charted; wasted, or returned

13. Respondent admitted to diverting drugs from Santa Monica-UCLA Medical Center (SMCC) while she served as a clinical supervisor to SMCC nursing students from 2008 through 2009. She admitted to diverting several doses of Hydromorphone from SMCC.

14. From June, 2009 through June, 2011, Respondent was enrolled in Board's Diversion Program, Maximus. She was terminated from the Board's Diversion program on or about July 29, 2011, for failure to comply with the program's terms and conditions.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Gross Negligence)

15. Respondent is subject to disciplinary action under Code section 2761, subdivision (a), on the grounds of unprofessional conduct, in that while employed as a registered nurse at the Center and SMCC, Respondent committed unprofessional conduct by diverting controlled substances and dangerous drugs from patients, and failing to properly obtain and verify physician's orders, document, waste, account for the controlled substances and dangerous drugs and/or administer the correct dosage or medication to the patients. Complainant refers to and incorporates all the allegations contained in paragraphs 12-14, as though set forth fully.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Illegally Obtained or Possessed Controlled Substances)

16. Respondent is subject to disciplinary action under Code section 2762, subdivision (a), for unprofessional conduct, in that while employed as a registered nurse at the Center and SMCC, Respondent unlawfully obtained or possessed controlled substances and dangerous drugs without physician's orders, failed to account for the controlled substances and dangerous drugs withdrawn for patients, and furnished or administered controlled substances and dangerous drugs to another

1 without physician's orders. Complainant refers to and incorporates all the allegations contained
2 in paragraphs 12-14, as though set forth fully.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct: Falsify, Make Grossly Incorrect, or Inconsistent Entries)**

5 17. Respondent is subject to disciplinary action under Code section 2762, subdivision (e),
6 for unprofessional conduct, in that while employed as a registered nurse at the Center and SMCC,
7 Respondent falsified, or made grossly incorrect or grossly inconsistent entries in the medical
8 records pertaining to controlled substances and dangerous drugs, which are inconsistent with the
9 physician's orders and narcotic records. Respondent failed to correctly and consistently prepare
10 and complete documentation pertaining to the administration and accounting of controlled
11 substances and dangerous drugs in the medical records. Complainant refers to and incorporates
12 all the allegations contained in paragraphs 12-14, as though set forth fully.

13 **FOURTH CAUSE FOR DISCIPLINE**

14 **(Drug Abuse)**

15 18. Respondent is subject to disciplinary action under Code section 2762, subdivision (b),
16 for unprofessional conduct, in that while employed as a registered nurse at the Center and SMCC,
17 Respondent unlawfully abused controlled substances and dangerous drugs without a physician's
18 orders. Complainant refers to and incorporates all the allegations contained in paragraphs 11-14,
19 as though set forth fully.

20 **PRAYER**

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
22 and that following the hearing, the Board of Registered Nursing issue a decision:

23 1. Revoking or suspending Registered Nurse License Number 368725, issued to Laura
24 Denise Black;

25 2. Ordering Laura Denise Black to pay the Board of Registered Nursing the reasonable
26 costs of the investigation and enforcement of this case, pursuant to Business and Professions
27 Code section 125.3;

28 3. Taking such other and further action as deemed necessary and proper.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: December 13, 2012 Janice Ben
for LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

LA2011600908
60664734.doc